

EXHIBIT

3

**DECLARATION OF JEFF DAVIS
PURSUANT TO 28 U.S.C. § 1746**

I, Jeff Davis, hereby state that I have personal knowledge of the facts set forth below. If called as a witness, I could and would testify as follows:

1. I am a U.S. citizen over the age of 18.
2. I have a Dell computer that runs Windows XP. In approximately September 2007, I was on the Internet surfing when a dialog box popped up and it looked like it was scanning my computer. It said something like, "Warning, your computer is infected with viruses and trojans." I clicked on the "x" to close the dialog box, but instead I could tell that something was downloading on my computer. I started to receive pop ups on my computer that said my computer is infected and that I could buy the product "Winantivirus" to fix the problems.
3. It appeared to me that when I received the first pop up, it downloaded many programs onto my computer that overloaded my computer. I kept getting the pop ups to buy the product, but I did not want to buy it because I could tell that it was not a legitimate product. First, no legitimate company advertises in this manner, and no legitimate company would deliberately wreck someone's computer. Second, I did some research on this product and found many complaints.
4. I never bought the product, and I could not use my computer for 1.5 weeks because my legitimate programs would lock up. I am a webmaster and write articles for websites, and it was difficult not having my computer for over a week.

5. I had to pay \$200 to get my computer fixed.

I state under penalty of perjury under the laws of the United States of America that the foregoing is true and accurate.

Date: 10/23/08


Jeff Davis